

MISSISSIPPI DIVISION OF MEDICAID

Eligibility Policy and Procedures Manual

CHAPTER 300 - Resources

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304.01.05D LOOK BACK PERIOD

The Deficit Reduction Act of 2005 changed the look back period to 5 years (60 months) effective for institutional applications filed on or after February 8, 2006. The 60-month rule applies to any type of asset transferred including assets placed in a trust.

Transfers that took place during the 5-year look back period, but prior to February 8, 2006, will be evaluated using previous transfer of assets policy and the penalty period is calculated under the rules in effect at the time of the transfer.

Application of the DRA transfer rules is being phased in over the 60 month period starting February 8, 2006. Because the DRA implementation date will not change, the length of the look back period to evaluate transfers under DRA rules will increase each month by one month until it reaches 60 months in February 2011.

Under OBRA-93, the look-back period for transfers other than transfers to a trust is a date that is 36 months from the date the individual both is an institutionalized individual and has applied for Medicaid.

The following example illustrates this:

- 12/94 – enters nursing facility
- 02/95 – applies & 36 month look-back begins
- 11/94 – transfer occurs & penalty begins

The 36 month look-back period described above did not become fully effective until August 11, 1996 and was phased in over a 36 month period beginning August 11, 1993. Therefore, OBRA transfer rules are effective for transfers made on or after August 11, 1993. Any transfers actually made before that date are treated under the rules described in pre-OBRA-93 policy.